

## REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1, 3-29, 31-36 and 44-47 were pending and rejected. In this response, no claim has been canceled. Claims 1, 29, 44, and 46 have been amended. No new matter has been added.

Claim 46 is objected to because of informalities. In view of the foregoing amendments, it is respectfully submitted that the objection has been overcome.

Claims 1, 3-12, 21, 24-29, 44 and 46-47 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,505,160 of Levy et al ("Levy"). Applicant hereby reserves the right to swear behind Levy.

In view of the foregoing amendments, it is respectfully submitted that claims 1, 3-29, 31-36 and 44-47 as amended include limitations that are not disclosed by Levy. Specifically, for example, independent claim 1 as amended recites:

1. A system comprising:  
a controller configured to select an identifier associated with a media object and to send a request to play the media object identified by the identifier, wherein the controller sends the request by wirelessly transmitting the request having the identifier stored in the controller over a first network, the first network being a wireless network; and  
an appliance configured to receive the request having the identifier from the controller over the wireless network, to determine whether the identified media object is stored in the appliance, to retrieve the media object from a first server via a second network different than the first network when the media object is not stored in the appliance, and to play the media object in response to the request.

(Emphasis added)

Independent claim 1 includes a controller that wireless communicates with an appliance over a first network which is a wireless network, where the appliance communicates with a first server over a second network which is different than the first network. The controller sends a request to the appliance to play a media object by wirelessly

transmitting an identifier identifying the requested object in the appliance. In response to the request wireless received from the controller over the first network, the appliance determines whether the requested media object is locally stored in the appliance and retrieves the requested object from the first server over the second network (e.g., different than the first network) if the appliance does not have the requested object stored therein. Thereafter, the appliance plays within the appliance (rather than the controller) the retrieved object. It is respectfully submitted that the above limitations are absent from levy.

Rather Levy is related to embedding an identifier within an audio stream, such that when the audio stream is played, the identifier causes the player to access another server to retrieve additional information or advertisement to invite the user to purchase more content from the server (see Abstract of Levy).

Although Levy mentioned a wired or wireless network, Levy still fails to disclose the specific configuration recited in claim 1. Specifically, Levy fails to disclose a network appliance to receive a request to play a media object from a controller (e.g., a portable device or PDA) over a wireless network (e.g., a first network), to determine whether the requested media object is stored in the network appliance, to retrieve the requested media object from a server over a second network different than the first network (e.g., wireless network), and to play the retrieved media object within the network appliance (rather than the controller).

As discussed above, there are at least three parties involved here: a controller, a network appliance coupled to the controller over a first network, and a server coupled to the network appliance over a second network different than the first network, where the first network is a wireless network. It is respectfully submitted that Levy fails to disclose such configuration.

The Office Action contended that col. 4, lines 20-67; col. 5, lines 1-12, 56-65 of Levy disclose the above limitations (see 7/27/2005 Office Action, pages 5-6). Applicant respectfully disagrees. The cited sections of Levy merely described how an audio player downloads audio content from a server over Internet and plays the downloaded audio content within the audio player (see col. 4, lines 20-67; col. 5, lines 1-12, 56-65 of Levy).

Thus, there is no disclosure within Levy of a controller instructing a network appliance over a wireless network to retrieve a media object from a server over a second network different than the wireless network if the requested media object is not stored in the network appliance, and the network appliance plays the requested media object.

Even if, for the sake of argument, the audio player (e.g., MP3 player) of Levy may be considered as a network appliance as recited in claim 1, such an audio player does not receive a request to play a media object from a controller over a wireless network (e.g., a first network), download the requested media object from a server over a second network different than the first network (e.g., wireless network), and play the media object for the controller. There is no mention of a controller wirelessly communicating with an appliance within Levy.

In order to anticipate a claim, each and every limitations of the claim must be taught by the cited reference. It is respectfully submitted that Levy fails to disclose the limitations set forth above. Therefore, for the reasons set forth above, it is respectfully submitted that claim 1 as amended is not anticipated by Levy.

Similarly, independent claims 29 and 44 include limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, independent claims 29 and 44 are not anticipated by Levy.

Given that the rest of the claims depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are not anticipated by Levy.

Claims 13-15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable of over Levy and U.S. Patent No. 6,166,735 of Dom et al (“Dom”). Claims 16-20, 23 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy in view of Dom and U.S. Patent No. 6,097,389 of Morris et al (“Morris”).

It is respectfully submitted that Dom and Morris also fail to disclose the limitations set forth above for the reasons set forth in the previous response. Claims 13-20, 22-23 and 36 depend from one of the above independent claims. Thus, at least for the reasons similar to those discussed above, it is respectfully submitted that claims 13-20, 22-23 and 36 are patentable over the cited references.

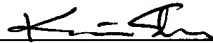
In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: October 27, 2005

  
\_\_\_\_\_  
Kevin G. Shao  
Attorney for Applicant  
Reg. No. 45,095  
Kevin\_Shao@bstz.com

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025-1026  
(408) 720-8300